



1916

Book Reviews

Kentucky Law Journal

Follow this and additional works at: <https://uknowledge.uky.edu/klj>

Right click to open a feedback form in a new tab to let us know how this document benefits you.

Recommended Citation

Kentucky Law Journal (1916) "Book Reviews," *Kentucky Law Journal*: Vol. 5 : Iss. 1 , Article 7.

Available at: <https://uknowledge.uky.edu/klj/vol5/iss1/7>

This Book Review is brought to you for free and open access by the Law Journals at UKnowledge. It has been accepted for inclusion in Kentucky Law Journal by an authorized editor of UKnowledge. For more information, please contact UKnowledge@lsv.uky.edu.

and that part thereof to which a colored common school situated in the white district levying the tax is entitled should be paid by the superintendent to the Board of Education of the county for the use and benefit of the colored common school.

Ogilvie vs. Union Cenral Life Insurance Company.

(Decided September 22, 1916.)

Appeal from McCracken Circuit Court.

Bills and Notes—Failure to Pay Interest Installment—Waiver of Notice.—Under a provision in a note and mortgage that if any installment of interest be not paid at maturity the principal note and all accrued interest shall become at once due at the option of the holder, and that notice of such option is waived, it is not necessary, after default in payment of interest, for the holder before maintaining an action on the whole debt to give notice either of his election to declare the whole debt due or make demand of payment.

BOOK REVIEWS.

THE LAW OF CARRIERS—By DeWitt C. Moore, Albany; Matthew Bender & Company, 1914. Second edition in 3 volumes, pp. ccixxxii, 2444.

The recent development of the law of carriers has been disconcertingly rapid, and there has been need of a text writer who would collect and effectively organize the late decisions. This duty has been performed in thorough-going fashion by Mr. DeWitt C. Moore of the New York Bar, in the second edition of his work on carriers. This standard work is now down to date; most thorough and exhaustive and intensely practical. Eight new chapters have been added to make this second edition exhaustive and to cover the subject in all respects. The author has endeavored to state the law concisely, to systematically arrange it with carefully made annotations and notes, and to fully and completely analyze the authorities.

It has been the chief aim of the author to furnish suitors with a practical guide in this class of litigation by as full a presentation as possible of the established principles and rules governing the various and varying phases in which controverted questions have been and may be presented for judicial adjustment. The decisions and rulings in the different jurisdictions, and the reasons therefor, so far as practicable, have been set forth, and the latest as well as the earliest authorities in the different states are cited and conveniently arranged.

The annotations are copious, embracing all the recent cases. This feature of the work bears evidence of exhaustive as well as intelligent effort. No statement of principle is allowed to rest upon the author's fiat—a veritable wealth of citation is marshalled immediately in support. The controlling law is made readily available, even to him who runs as he reads.

This work covers the whole field of the law of carriers of PASSENGERS, GOODS, and LIVE STOCK, CONNECTING CARRIERS, INTERSTATE TRANSPORTATION, THE HARTER ACT, LIMITATION OF LIABILITY, CARRIERS' CHARGES OF LIENS, CONVERSION AND OTHER ACTIONS, and DEMURRAGE, including the ACT TO REGULATE COMMERCE.

The text of this work is singularly compact. There is gratifying freedom from the "padding" which mars the product of so many latter day legal writers. We cannot doubt the entire truth of the author's prefatory statement that "it has taken more time and labor to abridge these pages than to write them." The studied process of condensation has yielded an enormous gain in working efficiency which none can fail to appreciate to the full.

COLLIER ON BANKRUPTCY—By Frank B. Gilbert, Albany; Matthew Bender & Company, 1914. Tenth edition in 1 volume, pp. lxxx, 1513.

This branch of the law which has now been illustrated by a great body of case law, covering almost every practical phase of the subject has finely taken shape into a well-defined system.

This system, in all its branches and all its details, is the sub-

ject matter of this book. It is a comprehensive treatise containing not only an elaborate discussion of all of the steps in a bankruptcy case, and the matter usually found in treatises on this subject, but it also gives special treatment in separate chapters of such matters of great practical importance as the right and liabilities of secured creditors, rights of the trustee as against a prior assignee for creditors, fraudulent and voidable conveyances, the bankruptcy of corporations and the complex rules prevailing in the bankruptcy of partnership.

The logical arrangement has always proved a valuable feature as it saves the time of the user. The Act of 1898 is given in full as amended to date. Also the Bankruptcy Acts of 1867, of 1841, and of 1800 are reprinted giving a complete history of the bankruptcy laws in this country and very helpful in the interpretation of analogous sections to the present act. General orders are exhaustively annotated with digested cases construing and applying them. Official forms are separately treated with cross references to the acts and general orders, and valuable explanatory notes. Also another very helpful and popular feature is the very complete set of supplementary forms. The U. S. equity rules with index are given.

For years Collier on Bankruptcy has been the standard work in this country, and while of recent years other volumes have been published on the subject, some of which are of great value, yet Collier has not been disturbed from the place it has held. As long as the present law remains in force it will always be a book to which both practitioner and judge will turn with confidence:

EHRICH ON PROMOTERS—By Manfred W. Ehrich, of the New York City Bar. Albany: Matthew Bender & Company, 1916. 1 volume, pp. lxi, 645.

Practically all large business enterprises are, at the present day, organized in corporate form. The transactions involved in the formation of these corporations are often intricate and of great magnitude. Yet their organization is in the main the work of promoters—persons who have not official connection with the future corporation and who occupy toward it a very indefinite, and in some respects an anomalous, relation. The questions of law which arise from the

acts and omissions of these promoters are difficult and complicated and call for more intensive consideration than can well be accorded them in any general work on corporations. No work on promoters' law has been published since 1898, and in the eighteen years that have elapsed many interesting cases have been decided. That there is need for a reconsideration of the subject there can be no doubt.

Among the more important matters covered by this valuable book are agreements of the promotion of corporations, their validity, interpretation and enforcement; contracts made by the promoters on behalf of the projected corporation, the personal liability of the promoters thereon, the circumstances under which they become binding upon the corporation, and the power of the promoters or the corporation to enforce such contracts; the promoters' right to compensation and to reimbursement for expenses; the question of promoters' profits and the circumstances which render them lawful or unlawful—a matter which, under the decisions, depends not so much upon the fair dealing of the promoters as upon the astuteness of their attorneys; the remedies of a corporation complaining of its promoters, and the defenses of the promoters to its suits; false representations made by promoters, and the resulting liability to the corporation, to the subscribers, and to other persons, and the defenses of the promoters to suits based on such representations; the criminal liability of promoters; the rights and liabilities of person selling property to the corporation as affected by the acts of the promoters; the relations of the promoters *inter se*; the right and liabilities of promoters reorganizing or consolidating existing corporations; and the rights and liabilities to be adjusted when a projected corporation proves abortive. These, together with many incidental questions, are the subject matter of this work.

The author has covered the subject from the viewpoint of the practicing lawyer, considering the underlying principles which are necessary to an understanding of the very difficult question of Promoter's Law, and as far as possible giving what the attorney is always in search of, a "pat case." Classifying and indexing these cases under the points of law involved in such a manner as they can readily be found, has been the aim of Mr. Ehrich, and his book should prove an efficient aid and time saver to the busy practitioner.